

## ORDINANCE NO. 2648

### AN ORDINANCE OF THE CITY OF REDDING AMENDING REDDING MUNICIPAL CODE TITLE 9 (HEALTH AND SAFETY) TO REPEAL AND REENACT CHAPTER 9.28 (SOLID WASTE AND RECYCLING)

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#### THE CITY COUNCIL OF THE CITY OF REDDING DOES ORDAIN AS FOLLOWS:

**Section 1.** Title 9 (Health and Safety), Chapter 9.28 (Garbage and Rubbish) is hereby repealed and reenacted with a title to read as follows:

#### **SOLID WASTE AND RECYCLING**

- 9.28.010 Definitions.
- 9.28.020 Dead animals excluded.
- 9.28.030 Accessibility to rats prohibited.
- 9.28.040 Rubbish on streets.
- 9.28.050 Solid Waste in drainage ditches.
- 9.28.060 Solid Waste—Burning prohibited.
- 9.28.070 Solid Waste —Accumulation prohibited.
- 9.28.080 Solid Waste —Burying prohibited.
- 9.28.090 Private disposal.
- 9.28.100 Depositing in unauthorized place.
- 9.28.110 Charges—Fixing.
- 9.28.120 Charges—Paid when.
- 9.28.130 Charges—Liability.
- 9.28.140 Charges—Delinquent.
- 9.28.150 Receptacles—Required.
- 9.28.160 Receptacles—Condemnation of noncomplying.
- 9.28.170 Solid Waste Disposal—Required.
- 9.28.180 Tree trimmings and garden waste.
- 9.28.190 Receptacles—Cleanliness required.
- 9.28.200 Containers—Collection.
- 9.28.210 Containers—On streets.
- 9.28.220 Wrapping Solid Waste.
- 9.28.230 Clear path to container.
- 9.28.240 Landfill—Rate establishment.
- 9.28.250 Landfill—Tires.
- 9.28.260 Landfill—Garbage and refuse.
- 9.28.270 Scavenging—Prohibited.
- 9.28.280 Recycling—Required.
- 9.28.290 Commercial generators—Compliance and waivers.
- 9.28.300 Materials prohibited in containers.
- 9.28.310 Design of projects to include facilities for recyclable materials.
- 9.28.320 Violations.

**Section 2.** Title 9 of the Redding Municipal Code is amended to add Sections 9.28.010 through 9.28.320, inclusive, to Chapter 9.28 to read as follows:

**9.28.010 - Definitions.**

Unless it is apparent from the context that another meaning is intended, the following words, when used in this chapter, shall have the meanings respectively ascribed to them by this section:

- A. “Commercial” means of or pertaining to a business establishment and/or industrial facility including, but not limited to, governmental, religious, and educational facilities.
- B. “Container” means a bin, cart, roll-off box, drop box, receptacle, can, waste wheeler, compactor or other City-approved vessel for the collection of Solid Waste.
- C. “Customer” means the person subscribing to collection services.
- D. “E-waste” has the same meaning as in California Public Resources Code Section 42463.
- E. “Food soiled paper” means compostable paper material that has come into contact as a result of food preparation.
- F. “Food waste” or “food scraps” Solid Waste comprised of but not limited to animal, fruit, or vegetable refuse that has been prepared for or intended to be used as food or has resulted from the preparation of the food. Food waste also includes food-soiled paper resulting from such food preparations and/or storage. Food waste excludes fats, oils, and grease when said materials are separated from other food scraps.
- G. “Generator” means a person that produced Solid Waste to include mixed materials, organic materials, bulky goods or recyclable materials.
- H. “Organic waste” means Solid Waste including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, nonhazardous wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.
- I. “Organic waste generator” means a person or entity that is responsible for the initial creation of organic waste.
- J. “Recycle” or “recycling” has the meaning established by the State’s Public Resources Code Section 40180.
- K. “Responsible party” means “customer” and/or “owner,” “tenant” or “occupant.”
- L. “Self-hauler” means a person disposing of Solid Waste generated by that person or occupants of the person’s property when such Solid Waste is removed, transferred and disposed in compliance with all applicable laws.
- M. “Solid Waste” has the same meaning as defined in the State of California’s Resources Code Section 40191, in addition to materials that may be recycled. Solid Waste does not include any of the following wastes:
  - 1. Hazardous waste, as defined in the State Public Resources Code 28 Section 40141.

2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8, Part 9 of Division 104 of the State Health and Safety Code).
  3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 of Division 104 of the State Health and Safety Code).
- N. “Solid Waste services” means the collection, transfer, processing, recycling, removal, transportation and disposal of Solid Waste.
- O. “Unacceptable waste” means any and all waste, including but not limited to hazardous waste, household hazardous waste, and medical waste.
- P. “U-waste” means waste that the California Department of Toxic Substances control considers universal waste (Title 22, Division 4.5, Chapter 23), including but not limited to household batteries, fluorescent light tubes, compact fluorescent light tubes, sharps, computers, radios, some appliances and mercury-containing devices.

**9.28.020 - Dead animals excluded.**

The terms “organic waste” and “Solid Waste” as used in this chapter shall not be construed to include dead animals.

**9.28.030 - Accessibility to rats prohibited.**

- A. It is unlawful to have, store, deposit or keep Solid Waste where rats can have access thereto or feed thereon.
- B. Each day's violation of this section shall be treated and considered, and it shall be a separate and distinct offense.

**9.28.040 - Solid Waste on streets.**

- A. It is unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, within the corporate limits of the City, any Solid Waste, including but not limited to garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash or any noisome, nauseous or offensive matter in or upon any street, road or alley, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or on any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof.
- B. Any person violating the provisions of this section shall be charged with an infraction.

**9.28.050 - Solid Waste in drainage ditches.**

- A. It is unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, within the corporate limits of the City any Solid Waste, including but not limited to, garbage, swill, cans, bottles, paper, ashes, refuse or carcass of any dead animal, offal, trash or rubbish, or any other nauseous or offensive matter in or upon any waterway, creek or drain ditch, either natural or artificial, nor shall any person cause to be deposited in any drain ditch, as

described in this section, any Solid Waste, garbage or other matter, as described in this section, which may in any manner obstruct the natural flow of the drain ditch, or be carried downstream from the place of deposit by the flow of water within the maximum flow capacity of the drain ditch or other waterway.

- B. Any person violating the provisions of this section shall be charged with an infraction.

**9.28.060 - Solid Waste—Burning prohibited.**

It is unlawful to burn any Solid Waste on any lot or premises within the limits of the City.

**9.28.070 - Solid Waste —Accumulation prohibited.**

- A. It is unlawful for any person to deposit, keep or accumulate, or cause, permit or suffer to be deposited, kept or accumulated, for more than seven days, any Solid Waste, garbage, rubbish, castaway furniture, appliances, automobile parts, packing material, vehicle body parts, cardboard, or any other matter that constitutes a public nuisance pursuant to this code or any law, in or upon any lot or parcel of land or any public or private drive, alley or street, house, store, restaurant, business, or any place in the city.
- B. A person violating the provisions of this section shall be charged with an infraction.

**9.28.080 - Solid Waste —Burying prohibited.**

It is unlawful for any person to bury any Solid Waste beneath the surface of any premises within the City. This provision shall not apply to the cut and fill operations of the City.

**9.28.090 - Private disposal.**

- A. It is unlawful for any person other than the City to remove, collect or transport any Solid Waste materials from premises within the City except:
1. Materials that are transported to a transfer station, recycling center, or material recovery facility by the occupant and/or permissible contracted haulers serving areas outside the City's jurisdiction;
  2. Materials that are removed from a premise by a person through the performance of a direct service not otherwise provided by the City to include but not limited to landscaping services, office paper shredding, and construction and demolition projects as a separately contracted or subcontracted hauling service; or
  3. Persons who self-haul the generated Solid Waste material as permissible in Section 9.28.170 to a licensed transfer station, processing facility, landfill, or material recovery facility.

**9.28.100 - Depositing in unauthorized place.**

- A. It is unlawful for any person in the City to throw or deposit any Solid Waste, including but not limited to, garbage, rubbish, or other matter that constitutes a public nuisance pursuant to this code or any other law, or to cause the same to be thrown or deposited upon any street, alley, gutter, sidewalk, curb, park, median strip, public planters, or other public

places, or deposit or throw upon any vacant lot, private lot, or any other public or private parcel of land regardless of where it is deposited on such land, or to store or keep the same otherwise than in cans or receptacles as required by Section 9.25.150.

- B. Any person violating the provisions of this section shall be charged with an infraction.

#### **9.28.110 - Charges—Fixing.**

The City Council may hereafter, by resolution, fix the rates for the various types of Solid Waste services, and shall be sufficient to fully recover the full cost of providing said services, including but not limited to Solid Waste disposal, landfill maintenance, and recycling services and programs.

#### **9.28.120 - Charges—Paid when.**

The charges for services rendered under this chapter shall be paid at the same time and in the same manner as water and light bills are paid, and all rules and regulations governing the collection of water and light bills shall apply in every particular in the collection of Solid Waste bills.

#### **9.28.130 - Charges—Liability.**

- A. Every person receiving any service designated in this chapter shall be liable to the City rendering the service for the charges determined as provided in Section 9.28.110.
- B. In addition to the direct liability of the person receiving the service, it shall be presumed that the occupant of any premises served is the agent of the owner thereof, and is acting for and on behalf of the owner in subscribing for the service.
- C. Every service performed under this chapter shall be presumed to be for the benefit of the premises from which any Solid Waste, including but not limited to garbage, refuse or rubbish is removed and the charges accruing for such service shall be a lien upon the premises served.

#### **9.28.140 - Charges—Delinquent.**

The delinquent charges for services rendered to premises under this chapter may be collected at the option of the City Council in the following manner:

- A. By a personal action against the occupant or owner of the premises served; or,
- B. By an action for foreclosure of the lien on the premises served.

#### **9.28.150 - Receptacles—Required.**

- A. All Solid Waste generated or produced within the city shall be deposited in a container or containers provided by and, in some instances, approved by the City.
- B. All Solid Waste containers provided by the city shall be kept clean and sanitary and portable by the owner. All containers, once delivered, shall be the sole responsibility of the person for any given premise for which said person is the owner, occupant, tenant or manager.

- C. As a requirement of the use or occupancy of property in the City, it shall be the duty of every owner or occupant of any residential dwelling, the owner, proprietor or manager of any multi-family dwelling, commercial or industrial use and of every other person generating Solid Waste as a result of the use of property to provide and keep within the property suitable and sufficient containers for the accumulation of Solid Waste including recycling and green waste, during the interval between pickups without causing public or private property to become littered.
- D. Waste consisting of hazardous waste shall not be placed for collection through Solid Waste services, but rather shall be disposed of at designated hazardous waste collection sites or through periodic household hazardous waste collection events, or as otherwise required by law.
- E. Medical waste shall not be placed for collection through Solid Waste services, but rather shall be disposed of as otherwise required by law.
- F. Recyclable material, including organics, shall be separated from other Solid Waste for collection in containers designated and/or approved by the City.
- G. Large household items shall not be placed for collection through the Solid Waste service, but rather shall be disposed of by special arrangement through the City and/or an authorized self-hauler.

**9.28.160 - Receptacles—Condemnation of noncomplying.**

- A. In the event any garbage, rubbish or waste matter can or receptacle is found by the enforcement officer or officers specified in this chapter to be not in compliance with the provisions set forth in this chapter, or detrimental to the public health, after an inspection by the enforcement officer, a notice shall be served upon the owner, resident or tenant on the premises on which the can or receptacle is located, by the enforcement officer, stating that the can or receptacle is condemned and must be removed and replaced by one which complies with the provisions of this chapter within a period of five days.
- B. The notice shall state that if the can or receptacle is not removed and replaced within the period, the enforcement officer is empowered to condemn and remove from the premises the can or receptacle.
- C. In the event the can or receptacle is removed by the enforcement officers, a notice shall be posted in a conspicuous place on the premises stating that the can or receptacle shall be destroyed. The can or receptacle shall be held for a period of thirty days after posting and, if no action is commenced to recover possession of the can or receptacle, it shall be summarily destroyed. If the can or receptacle is held by a court in any such action to be detrimental to the public health it shall be summarily destroyed immediately after the decision of the court has become final.
- D. The exercise of any power under this section is not to be construed as an exclusive remedy or as an election to proceed under it only and shall not be a bar to any other procedure or prosecution under any section of this chapter or the laws of the state.

#### **9.28.170 - Solid Waste Disposal—Required.**

- A. To further the public welfare, limit the amount of Solid Waste requiring disposal in landfills or other methods, to enhance the economy, to comply with statewide Solid Waste regulations, Solid Waste services shall be required in a manner that promotes waste reduction and resource preservation throughout the City.
- B. Every person in possession, charge, or control of any single-family dwelling, multi-family dwelling, or commercial premises shall ensure that arrangements are made to properly dispose of the Solid Waste created, produced, or accumulated on the premises through maintaining a subscription for regular Solid Waste collection services from the City or, where permissible, self-hauling and/or subcontracting services.
- C. All persons shall dispose of or recycle Solid Waste in the manner provided in this chapter.
- D. No person except the city or an authorized collector shall collect or transport Solid Waste or provide Solid Waste services within the City unless specifically authorized by the City, with the following exceptions:
  - 1. Collection, transfer, handling and disposal of hazardous waste;
  - 2. Collection, transfer, handling and disposal of medical waste;
  - 3. The removal and transportation of waste vegetation derived from landscaping activities by the owner or occupant of the property from which the material is derived, or by persons licensed to do landscaping or tree trimming business in the City and providing service to the owner or occupant of the property from which the material is derived;
  - 4. Collection, transport, disposal or recycling of litter by an individual or volunteer group of individuals;
  - 5. Community or neighborhood clean-up activities operated in cooperation with the City or an authorized person;
  - 6. City crews collecting, transporting, disposing or recycling and transporting Solid Waste to a transfer station, processing facility, landfill, or material recovery facility.

#### **9.28.180 - Tree trimmings and garden waste.**

Tree trimmings, tree limbs, tree trunks and tree stumps need not be placed in a receptacle, but will not be collected if they exceed six inches in diameter or four feet in length or seventy-five pounds in weight. Such material, including brush and garden trimmings, will not be collected unless securely tied in a bundle.

#### **9.28.190 - Receptacles—Cleanliness required.**

It is the duty of every person served under this chapter to keep the Solid Waste containers used in the service of that person in a clean and sanitary condition.

#### **9.28.200 - Containers—Collection.**

- A. All containers used shall be kept in some convenient and accessible place to be designated by the person charged with the administration of this chapter, and shall not be situated more than forty feet from any curb or alley, accessible to the person collecting the garbage and refuse unless otherwise strictly approved by the City on a case-by-case scenario.
- B. With the exception of unacceptable waste, ownership of which shall remain with the generator unless arrangements for collection by the City and/or a different hauler have been made, any Solid Waste, including recyclables, placed on any public street, sidewalk or any other location designated for the collection of Solid Waste, shall be conclusively presumed to have been discarded. The title of the collected material shall pass to the City.
- C. On collection day, automated-refuse containers shall be placed no further than two feet from the curb and away from any obstruction that may interfered with the safe operation of the sanitation equipment. Cans shall be placed no earlier than twelve hours prior to scheduled pickup time, and shall be moved back to a “proper storage location” not later than twelve hours after collection. “Proper storage location” means beside or behind the house or building, or an area or enclosure, so that to the maximum extent possible the automated-refuse container is not visible from the public right-of-way.

#### **9.28.210 - Containers—On streets.**

Notwithstanding anything provided in this code, the City Council may grant a franchise to or contract with, any person to place and install upon city streets in such locations as may be approved by the City Council, and upon such terms and conditions which the City Council may impose, refuse cans for the purpose of the collection of Solid Waste. The City Council may allow advertising to be placed upon such refuse cans; provided, that they are maintained neat in appearance and in good sanitary condition.

#### **9.28.220 - Wrapping Solid Waste.**

All garbage coming from household waste incurred in the preparation of food shall be first drained and enclosed in paper or plastic before being placed in the Solid Waste containers.

#### **9.28.230 - Clear path to container.**

It is the duty of the occupant of the premises served to keep a clear path from the street or alley to the Solid Waste containers.

#### **9.28.240 - Landfill—Rate establishment.**

The City Council may hereafter, by resolution, establish rates for the deposit of rubbish by private persons at the City's sanitary landfill.

#### **9.28.250 - Landfill—Tires.**

It is unlawful for any person not a resident or a person licensed to do business from an established place of business within the City to deposit tires in the City's sanitary landfill.



#### **9.28.260 - Landfill—Garbage and refuse.**

It is unlawful for any person to deposit garbage or refuse in the City's sanitary landfill, except as directed by City personnel or official signs directing placement and hours of operation.

#### **9.28.270 - Scavenging—Prohibited.**

- A. It is unlawful for any person to scavenge, salvage, or otherwise remove any material of any nature whatsoever from the area occupied by and operated as the City's sanitary landfill, or to go upon such area for any purpose not authorized by this code; except that the City may by contract authorize a nonprofit organization to salvage materials and conduct other operations of benefit to the general public.
- B. It is unlawful for any person to scavenge, tamper with, destroy or otherwise deface any collection container or its material contents for any personal or professional or commercial use.
- C. This section shall not apply to the activities of the City, an authorized collector, the owner or occupants of a premise, or a person authorized by the City.
- D. Any person violating the provisions of this section is guilty of an infraction.

#### **9.28.280 - Recycling—Required.**

- A. Every person shall ensure that all designated recyclable, green waste, and food waste materials shall be separated from other Solid Waste in accordance to the services offered by and/or allowed within the City. The disposal of designated recyclable, green waste, and food waste materials mixed with other Solid Waste is prohibited. The failure to comply with the requirements of this section is a threat to the public health, safety and welfare, and is declared and deemed a violation.
- B. Every person in possession, charge or control of any place or premises within the City shall ensure that tenants, lessees, employees and/or occupants have access to on-site recycling services as offered by the City.
- C. On-site recycling and organic material diversion services required under this article shall:
  - 1. Collect at least the following materials: paper (mixed and office paper), plastic bottles and containers labeled with the universal recycling sign #1 and #2, aluminum cans, corrugated cardboard, glass bottles, and jars;
  - 2. Collect green waste material;
  - 3. Collect food scraps;
  - 4. Provide containers, collection, capacity, and storage areas;
  - 5. Remove the recyclable or organic material by either:
    - a. Establishing services with the City; or

- b. Transporting the recyclable and/or organic materials to a licensed transfer station, processing facility, landfill, or material recovery facility.
- D. The City may update the list of recyclable materials required to be recycled at a future date, as allowed by the City's capacity and/or pursuant to state laws. Such list may be accessible, primarily, on the City's website and may be available to every person upon request.
- E. Every person in possession, charge or control of any place or premise within City limits shall provide proper recycling information and instructions in accordance with state-mandated recycling laws to:
  - 1. All tenants, occupants and employees of the premises annually;
  - 2. A new employee, occupant or tenant no later than the 14<sup>th</sup> day after the tenant occupies or employee begins work at the premises; and
  - 3. All employees or tenants not later than the 14<sup>th</sup> day after substantive changes in the recycling service offered at the premise and or by the City.

**9.28.290 - Commercial generators—Compliance and waivers.**

- A. Each commercial generator, including all multi-family dwelling units of five units or more, shall be responsible for ensuring and demonstrating compliance with the requirements of this chapter.
- B. Each commercial generator shall subscribe to a level of service that is sufficient to handle the volume of recyclable and organic materials generated or accumulated on the premises.
- C. Each commercial generator shall ensure the proper separation of Solid Waste, as established and updated by the City, by placing each type of material in designated containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site conduct proper separation.
- D. Each commercial generator shall use containers to collect and store recyclable and organics material, and shall designate areas to collect and/or store these materials. Additionally:
  - 1. Each commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials and organic materials are collected and/or stored that specify the materials to be recycled and how to recycle such material.
  - 2. The City shall notify and instruct commercial generators in writing of applicable recycling and organics requirements.
  - 3. Upon request by commercial generators, the City will also provide outreach and training to commercial generator employees and tenants regarding what materials are required to be recycled and how to recycle such material.

- E. Commercial generators seeking a waiver shall submit their request for a waiver to the City via the approved process. After reviewing the request, the City may either approve or deny the waiver request. Requirements for waivers are subject to change in accordance with state regulations. Commercial generators may apply for a waiver if one or more of the following apply:
1. Generates more than two cubic yards per week of total Solid Waste but less than 20 gallons per week of organic waste.
  2. Generates less than two cubic yards per week of total Solid Waste and less than 10 gallons per week of organic waste.
  3. Collection frequency of a blue and gray container takes place on a bi-weekly as opposed to weekly basis.
  4. Commercial generators that can provide documentation that no recyclable or organic material is generated on the premises.
  5. Commercial generators that can provide documentation of a shared container for recyclable and/or organic materials with adjacent commercial facilities or multi-family dwellings.
  6. Commercial generators that can provide documentation that the generated recyclable and/or organic material is self-hauled or hauled by an approved collector and is hauled to a licensed facility.
  7. Commercial generators that can provide documentation of the lack of adequate physical space for recycling and/or organic waste containers.

**9.28.300 - Materials prohibited in containers.**

Hazardous waste, medical waste, unacceptable waste, earth, rocks, e-waste, u-waste, human waste and other potentially infectious material, and liquid wastes shall not be deposited or placed in the provided containers.

**9.28.310 - Design of projects to include facilities for recyclable materials.**

New and substantially remodeled commercial, industrial and multifamily residential premises shall be designed to include space for storage and collection of Solid Waste materials, recycling and organics included. The design shall be submitted for approval to the City and shall meet all applicable regulations.

**9.28.320 - Violations.**

- A. Any Responsible Party, as that term is defined in Chapter 1.13, responsible for any violation of this Chapter shall be subject to the following administrative penalties:
1. For a first violation within a one year period of time, the amount of the fine shall be \$100, per violation.

2. For a second violation within a one year period of time, the amount of the fine shall be \$200, per violation.
  3. For a third or subsequent violation within a one year period of time, the amount of the fine shall be \$500, per violation.
- B. Except as otherwise provided, a violation of any section within this Chapter is punishable as an infraction.

**Section 3.** Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Redding hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 4.** The passage of this ordinance is not subject to the provisions of the California Environmental Quality Act. Pursuant to Section 15061 of Title 14 of the California Code of Regulations (“Common Sense Exemption”), the City Council finds that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

**Section 5.** This ordinance shall take effect thirty (30) days after the date of its adoption, and the City Clerk shall certify to the adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the 17th day of May, 2022, and was duly read and adopted at a regular meeting on the 7th day of June, 2022, by the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS: Dacquisto, Mezzano, and Schreder</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS: None</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS: None</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS: Resner and Winter</b>

/s/ Kristen Schreder  
**KRISTEN SCHREDER, Mayor**

**ATTEST:**

**FORM APPROVED:**

/s/ Pamela Mize  
**PAMELA MIZE, City Clerk**

/s/ Barry E. DeWalt  
**BARRY E. DeWALT, City Attorney**